

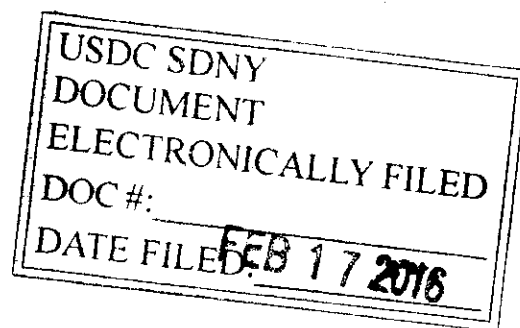
ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X
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UNITED STATES OF AMERICA :
:
- v. - :
:
MARTIN AVALO, :
ALVARADO DOMINGUEZ, :
a/k/a "Jochi," :
ANDY MACCOW, :
CARLOS VALLEJO, :
a/k/a "Yayo," and :
KROUCHE DELEON, :
:
Defendants. :
:
- - - - - X

SUPERSEDING
INDICTMENT

S1 16 Cr. 108 (SAS)



COUNT ONE

(Conspiracy to Commit Hobbs Act Robbery)

The Grand Jury charges:

1. On or about February 21, 2011, in the Southern District of New York and elsewhere, MARTIN AVALO, ALVARADO DOMINGUEZ, a/k/a "Jochi," ANDY MACCOW, CARLOS VALLEJO, a/k/a "Yayo," and KROUCHE DELEON, the defendants, unlawfully and knowingly did conspire with others, known and unknown, to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, AVALO, DOMINGUEZ, MACCOW, VALLEJO, and DELEON conspired to rob an

individual in the vicinity of West 173rd Street, New York, New York, of the proceeds of an international gambling operation.

(Title 18, United States Code, Section 1951.)

COUNT TWO

(Attempted Hobbs Act Robbery)

The Grand Jury further charges:

2. On or about February 21, 2011, in the Southern District of New York and elsewhere, MARTIN AVALO, ALVARADO DOMINGUEZ, a/k/a "Jochi," ANDY MACCOW, CARLOS VALLEJO, a/k/a "Yayo," and KROUCHE DELEON, the defendants, unlawfully and knowingly did attempt to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, AVALO, DOMINGUEZ, MACCOW, VALLEJO, and DELEON attempted to rob at gunpoint an individual in the vicinity of West 173rd Street, New York, New York, of the proceeds of an international gambling operation.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT THREE

(Firearms Use, Carrying, and Possession)

The Grand Jury further charges:

3. On or about February 21, 2011, in the Southern

District of New York, MARTIN AVALO, ALVARADO DOMINGUEZ, a/k/a "Jochi," ANDY MACCOW, and CARLOS VALLEJO, a/k/a "Yayo," the defendants, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the robbery conspiracy charged in Count One of the Indictment and the attempted robbery charged in Count Two of this Indictment, knowingly did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, which was brandished during the attempted robbery charged in Count Two of this Indictment.

(Title 18, United States Code, Sections 924(c)(1)(A)(ii) and 2.)

COUNT FOUR

(Carjacking)

The Grand Jury further charges:

4. On or about February 21, 2011, in the Southern District of New York and elsewhere, MARTIN AVALO, CARLOS VALLEJO, a/k/a "Yayo," and KROUCHE DELEON, the defendants, unlawfully and knowingly, and with the intent to cause death and serious bodily harm, did take a motor vehicle that had been transported, shipped, and received in interstate and foreign commerce from the person and presence of another by force and violence and by intimidation, to wit, AVALO, VALLEJO, and DELEON stole a 1997 Lexus automobile from the person and presence of

another by assaulting that person, including placing that person in a chokehold, in the vicinity of 1435 Beach Avenue in the Bronx, New York.

(Title 18, United States Code, Sections 2119(1) and 2.)

FORFEITURE ALLEGATION

5. As a result of committing the offenses alleged in Counts One, Two, and Four of this Indictment, MARTIN AVALO, ALVARADO DOMINGUEZ, a/k/a "Jochi," ANDY MACCOW, CARLOS VALLEJO, a/k/a "Yayo," and KROUCHE DELEON, the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission the offenses alleged in Counts One, Two, and Four of this Indictment.

Substitute Assets Provision

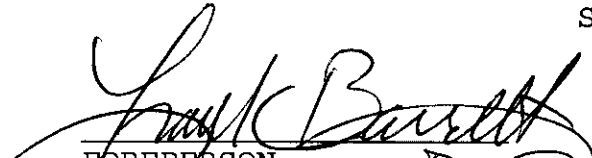
If any of the above-described forfeitable property, as a result of any act or omission of the defendants:


- a) cannot be located upon the exercise of due diligence;
- b) has been transferred or sold to, or deposited with, a third person;
- c) has been placed beyond the jurisdiction of the Court;

d) has been substantially diminished in value;
or

e) has been commingled with other property
which cannot be subdivided without difficulty;
it is the intent of the United States, pursuant to Title 18,
United States Code, Section 981, Title 21, United States Code,
Section 853(p), and Title 28, United States Code, Section 2461,
to seek forfeiture of any other property of the defendants up to
the value of the above forfeitable property.

(Title 18, United States Code, Section 981, Title 21, United
States Code, Section 853, and Title 28, United States Code,
Section 2461.)


FOREPERSON
D.F.


PREET BHARARA *VBH*
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

MARTIN AVALO,
ALVARADO DOMINGUEZ, a/k/a "Jochi,"
ANDY MACCOW,
CARLOS VALLEJO, a/k/a "Yayo," and
KROUCHE DE LEON,

Defendants.

SUPERSEDING
INDICTMENT

S1 16 Cr. 108 (SAS)

(18 U.S.C. §§ 1951, 924(c)(1)(A)(ii),
2119(1), and 2.)

PREET BHARARA

United States Attorney

A TRUE BILL


Foreperson

TRUE BILL, SUPERSEDING INDICTMENT

MS ELLIS *SP.* 2-17-16

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